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EXCERPTS OF LAWS AND ORDERS RELATING TO THE BUREAU OF TRANSPORTATION STATISTICS

From the Department of Transportation Act of 1966

From the Intermodal Surface Transportation Efficiency Act of 1991
(including the Conference Committee Report)

From 49 USC Sec. 329: Transportation information

From the ICC Termination Act of 1995

From the Coast Guard Authorization Act of 1996

From the Code of Federal Regulations

Management Order Establishing the Bureau of Transportation Statistics

From the Department of Transportation Act of 1966

“The Secretary of Transportation shall ... promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation.” (49 USC 301)

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From the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, December 18, 1991)

Sec. 6006. Bureau of Transportation Statistics. (105 Stat. 2172)

(a) Chapter I of title 49, United States Code, is amended by adding at the end the following new section:

“Sec. 111. Bureau of Transportation Statistics

“(a) Establishment.-There is established in the Department of Transportation a Bureau of Transportation Statistics.

“(b) Director.-

“(1) Appointment.-The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) Qualifications.-The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the compilation and analysis of transportation statistics.

“(3) Reporting.-The Director shall report directly to the Secretary.

“(4) Term.-The term of the Director shall be 4 years. The term of the first Director to be appointed shall begin on the 180th day after the date of the enactment of this section.

“(c) Responsibilities.-The Director of the Bureau shall be responsible for carrying out the following duties:

“(1) Compiling transportation statistics.-Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and shall include information on-

“(A) productivity in various parts of the transportation sector;

“(B) traffic flows;

“(C) travel times;

“(D) vehicle weights;

- “(E) variables influencing traveling behavior, including choice of transportation mode;
 - “(F) travel costs of intracity commuting and intercity trips;
 - “(G) availability of mass transit and the number of passengers served by each mass transit authority;
 - “(H) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;
 - “(I) accidents;
 - “(J) collateral damage to the human and natural environment; and
 - “(K) the condition of the transportation system.
- “(2) Implementing long-term data collection program.-Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system. Such program shall-
- “(A) be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;
 - “(B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different time periods; and
 - “(C) ensure that data collected under this subsection is controlled for accuracy and disseminated to the States and other interested parties.
- “(3) Issuing guidelines.-Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.
- “(4) Coordinating collection of information.-Coordinating the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) with related information-gathering activities conducted by other Federal departments and agencies and collecting appropriate data not elsewhere gathered.
- “(5) Making statistics accessible.-Making the statistics published under this subsection readily accessible.
- “(6) Identifying information needs.-Identifying information that is needed under paragraph (1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.
- “(d) Limitations on Statutory Construction.-Nothing in this section shall be construed-
- “(1) to authorize the Bureau to require any other department or agency to collect data; or

“(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

“(e) Prohibition on Certain Disclosures.-Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be identified with such person.

“(f) Transportation Statistics Annual Report.-On or before January 1, 1994, and annually thereafter, the Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

“(g) Performance of Functions of Director Pending Confirmation.-An individual who, on the date of the enactment of this section, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.”.

(b) Funding.-There shall be available from the Highway Trust Fund (other than the Mass Transit Account) only for carrying out the amendment made by subsection (a) \$5,000,000 for fiscal year 1992, \$10,000,000 for fiscal year 1993, \$15,000,000 per fiscal year for each of fiscal years 1994 and 1995, \$20,000,000 for fiscal year 1996, and \$25,000,000 for fiscal year 1997. Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(c) Conforming Amendment.-The analysis for chapter 1 of such title is amended by adding at the end the following new items:

“Sec. 110. Saint Lawrence Seaway Development Corporation.

“Sec. 111. Bureau of Transportation Statistics.”.

(d) Amendment to Title 5, U.S.C.-Section 5316 of title 5, United States Code, is amended by adding at the end the following:

“Director, Bureau of Transportation Statistics.”.

Sec. 6007. Advisory Council on Transportation Statistics. (105 Stat. 2174)

(a) Establishment.-The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

(b) Function.-It shall be the function of the advisory council established under this section to advise the Director of the Bureau of Transportation Statistics on

transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau of Transportation Statistics are of high quality and are based upon the best available objective information.

(c) Membership.-The advisory council established under this section shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States and who (except for 1 member who shall have expertise in economics and 1 member who shall have expertise in statistics) have expertise in transportation statistics and analysis.

(d) Applicability of Federal Advisory Committee Act.-The Federal Advisory Committee Act shall apply to the advisory council established under this section, except that section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

**Sec. 6008. DOT Data Needs.
(105 Stat. 2175)**

(a) Study.-Not later than 1 year after the date of the establishment of the Bureau of Transportation Statistics, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

(b) Consultation.-The Secretary shall enter into the agreement under subsection (a) in consultation with the Director of the Bureau of Transportation Statistics.

(c) Contents.-The study under subsection (a) shall include an evaluation of the Department of Transportation's data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:

- (1) Data collection procedures and capabilities.
- (2) Data analysis procedures and capabilities.
- (3) Ability of data bases to integrate with one another.
- (4) Computer hardware and software capabilities.
- (5) Information management systems, including the ability of information management systems to integrate with one another.
- (6) Availability and training of the personnel of the Department.
- (7) Budgetary needs and resources of the Department for data collection.

(d) Report.-Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department's management information systems.

Sec. 6013. State Level of Effort.
(105 Stat. 2181)

(a) Study.-Not later than 3 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau of Transportation Statistics shall begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(b) Contents.-The study under subsection (a) shall include collection of data relating to State and local revenues collected and spent on surface transportation programs. Such revenues include income from fuel taxes, toll revenues (including bridge, tunnel, and ferry tolls), sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and such other State and local revenue sources as the Director of the Bureau considers appropriate.

(c) Report.-Not later than 9 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study under this section, including recommendations on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data, by State, on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

Sec. 1098. Allocation Formula Study.
(105 Stat. 2025)

(a) The General Accounting Office in conjunction with the Bureau of Transportation Statistics created pursuant to title VI of this Act, shall conduct a thorough study and recommend to the Congress within 2 years after the date of the enactment of this Act a fair and equitable apportionment formula for the allocation of Federal-aid highway funds that best directs highway funds to the places of greatest need for highway maintenance and enhancement based on the extent of these highway systems, their present use, and increases in their use.

(b) The results of this study shall be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994, and shall be considered by these committees as they reauthorize the surface transportation program in 1996.

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**SEC. 5002. Duties of Secretary; Office of Intermodalism.
(105 Stat. 2158)**

...

(c) Office of Intermodalism.-

(1) Establishment.-The Secretary shall establish within the Office of the Secretary an Office of Intermodalism.

...

(4) Intermodal transportation data base.-The Director shall develop, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include-

- (A) information on the volume of goods and number of people carried in intermodal transportation by relevant classification;
- (B) information on patterns of movement of goods and people carried in intermodal transportation by relevant classification in terms of origin and destination; and
- (C) information on public and private investment in intermodal transportation facilities and services.

The Director shall make information from the data base available to the public.

**Explanatory Statement of the Committee of Conference
(Discussion related to the Bureau of Transportation Statistics
from the Intermodal Surface Transportation Efficiency Act of
1991: Conference Report to Accompany H.R. 2950, November
27, 1991.)**

Discussion Related to the Organization of the Bureau:

Bureau of Transportation Statistics (Sec. 606)

(Pages 459-462 of the Report)

House bill

No comparable provision.

Senate amendment

The Senate amendment amends sec. 303 of title 23 U.S.C. to create a Bureau of Transportation Statistics, to be headed by a Director appointed by the President, to collect information on the performance of the national transportation system, to produce annual estimates of the use, productivity, safety, durability, and environmental effects of transportation systems, and to report these results annually to Congress.

Conference substitute

The conference agreement accepts the Senate language, with several modifications. It changes the reporting interval to once every two years, requires the Bureau to collect data relative to intermodal transportation, and affirms that the existence of the Bureau does not relieve the modal Administrators from responsibility of data collection and dissemination. \$90 million is authorized from the Highway Trust Fund to fund the operation of the Bureau.

The Bureau of Transportation Statistics shall be responsible for compiling, analyzing, and publishing a comprehensive set of transportation statistics of sufficient scope, quality, relevance, and reliability that Federal and nonfederal agencies and Congress have adequate and accurate information about the availability, reliability, costs, and benefits of alternative transportation technologies to make informed decisions about how best to allocate Federal funds among transportation projects and programs. Such information should include productivity in various portions of the transportation sector, traffic flows, travel times, vehicle weights, variables affecting the choices people make about travel (including the mode, time, and willingness to pay), the availability and number of passengers served by mass transit for each transit authority, the frequency of vehicle and infrastructure repairs and resulting losses of time and money, frequency of accidents, injuries and fatalities, damage to the environment resulting from transportation, and the condition of transportation infrastructure. All data shall, to the extent practicable, be comparable across transportation modes and intermodal transport systems. The conferees intend that all such statistics must have a sound scientific basis, be as free as possible from bias resulting from data collection or interpretation procedures, and they must be widely accepted by decision-makers as accurate and relevant.

The Director of the Bureau shall, in cooperation with the modal administrators, other federal agencies, the States, and other nonfederal entities, pursue a comprehensive program for the collection and analysis of data relating to the performance of the national transportation system.

A necessary step in this process is developing better indicators for productivity, efficiency, energy use, air quality related to vehicle operation, congestion, safety, maintenance, and other factors that reflect the overall performance of the surface transportation system. It is the intention of the conferees that the Director be directly involved in planning and review of the research to develop performance indicators for the national transportation systems. The most often reported indicators of productivity of transportation today are weight-miles or person-miles per employee-hour. While the underlying data are easily collected, these indicators are inadequate because they convey little information about important issues such as amount of fuel consumed, the cost of maintaining and repairing infrastructure and vehicles, the amount of pollution produced, the number of injuries, the reliability of timely arrival, and other factors that

affect the costs and benefits of alternative decisions involved in transportation infrastructure planning. It is the intention of the conferees that the Director insure that such indicators are identified, and that data relative to their measurement are collected, analyzed, and reported.

The Director shall assure that data and other information are collected in such a manner as to maximize the ability to compare data from different regions, and over time, such that trends and regional differences, if they exist, can be detected and analyzed for statistical significance. The Director shall insure that the data are quality-controlled for accuracy, and promulgate guidelines for the collection of such information to insure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis.

The Director shall coordinate the activities of the Bureau with related information gathering activities of other agencies. The conferees intend that data managed by the Bureau shall not be limited to highway transportation, but is extended to include rail, maglev, and intermodal transportation systems involving rail, highways, ships, and air transport. The purpose of this change in section 115 of the previous Act is to ensure that the efficiency and productivity of the transportation systems in the United States is maximized. This cannot be done by developing newer technology for highways alone. Strategic research planning must consider the importance of potential and actual products in the context of competing transport modes or economies of intermodal approaches to transport. The conferees intend that the Bureau integrate environmental effects and economics into transportation statistics, and that the Director coordinate data collection activities with those of the Environmental Protection Agency, the Department of Commerce, and other government agencies, wherever appropriate.

The Director shall make transportation statistics readily available to federal and non-federal agencies and other organizations. It is the intention of the conferees that data managed by the Bureau be accessible in computerized format, with adequate documentation and user-services.

The Director shall review information needs at least annually with the Advisory Council on Transportation Statistics and make recommendations to appropriate officials responsible for research programs in the Department of Transportation and other agencies involved in indicator research and development. The Director shall appoint an Advisory Council on Transportation Statistics, comprised of no more than six private citizens who have experience in transportation statistics and analysis (at least one of whom should have expertise in economics) to provide advice on the operation of the Bureau. The Council shall be subject to the provisions of the Federal Advisory Committee Act. It is the intention of the conferees that at least one of the Council members be a professional statistician. No later than one year after the start of Bureau operations, the Bureau shall enter into an agreement with the National Academy of Sciences for a study of the adequacy of the data collection resources, needs, and requirements, including data collection procedures and capabilities, data analysis

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procedures and capabilities, the ability of data bases to integrate with one another, computer hardware and software capabilities, information management systems (and their ability to integrate with one another), personnel, and budgets. The report shall be delivered within 18 months of initiation of the agreement, and should include recommendations for improving data collection systems, procedures, hardware, software, and information management systems. It is the intention of the conferees that this study serve as the first of the annual data reviews required of the Director.

Nothing in paragraph (1) shall authorize the Bureau to require the collection of data by any other monitoring Department, or to establish observation or monitoring programs. It is the intention of the conferees that the Director use Bureau resources to enhance data collection, analysis, and reporting by other organizations to fill identified data gaps, rather than to organize stand-alone monitoring programs, in order to insure the most cost-effective use of transportation monitoring resources.

The Bureau shall be under the direction of a Director of Transportation Statistics, who shall be appointed by the President, by and with the advice of the Senate. The Director shall have substantial technical experience in the compilation and analysis of transportation statistics. The term of the appointment shall be four years, to begin within 180 days of enactment of this Act. It is the intention of the conferees that the term of office of the Director shall overlap that of the President. The Director shall report directly to the Secretary and be compensated at Executive Level V of the Executive schedule. The conferees intend that the Director be given substantial latitude to insure that the Bureau data and information are not biased in any way by political considerations, and that release of the data not be subject policy review.

Data collected by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of an individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets and commercial or financial information provided by any person to be identified with such person. The conferees recognize that statistics may become biased if the very fact that a datum is being measured causes the object of measurement to change its characteristics or behavior. This may happen if data collected for the purpose of describing a system also can be used to cause harm to someone by legal or economic means. If this happens people may take great pains to conceal the true characteristics of the object. In order to avoid such bias, the conferees intend that the Director establish such procedures as necessary to ensure that all Bureau data are collected and stored in such a way that they cannot be used to prosecute individuals or reveal business information that could harm persons or corporations. The conferees intend that the Director consult with officials involved in other Federal data collection activities to identify the most appropriate means to meet the criteria.

The Director shall produce annual reports on transportation statistics and submit them to Congress, the states, and other interested parties. These reports shall compare transportation statistics among the states and regions, as well as reporting on trends at

the state, regional and national level. The conferees intend that if the statistics are based on estimates, rather than complete censuses, quantitative estimates of precision and statistical significance of trends and changes also shall be provided. The report shall include such indicators as are enumerated in section 303(b), indicators developed under section 115(a)(3), and other indicators, as appropriate for conducting cost-benefit analyses, prioritizing transportation system problems, and analyzing proposed solutions. In the estimation of costs and benefits, the conferees, intend that it is not acceptable to set a cost or benefit at zero only because it cannot be quantified precisely. The conferees also intend that opportunity costs and costs such as decreased property values next to rights-of-way should be included, as well as benefits associated with increased reliability, more enjoyable travel, and other social costs and benefits.

The Director should, wherever feasible, use data already collected by the modal Administrators or other agencies. The Director should identify any additional specifications or quality assurance that must be applied to such data to ensure that it meets the needs of the Bureau.

\$90 million is authorized to conduct the work of the Bureau. The conferees intend that the Bureau be funded at a minimum of \$4 million during fiscal year 1992, plus \$500,000 to begin the National Academy of Sciences study. It is the intent of the conferees that the Bureau be funded at no less than \$25 million per year in the last year of this authorization.

Advisory Council on Transportation Statistics (Page 462 of the Report)

House bill

No comparable provision.

Senate Amendment

The House amendment provides for the establishment of an Advisory Council on Transportation Statistics to advise the Director of the Bureau of Transportation Statistics.

Conference substitute

The Conference substitute is the Senate provision.

Discussion related to the Bureau's relationship with the Office of Intermodalism:

Duties of the Secretary: Office of Intermodalism

(Pages 450-452 of the Report)

House bill

The Director is required to develop an intermodal transportation data base in coordination with states and metropolitan planning organizations. The compilation of such data, especially along state and regional lines, is crucial to the development of an efficient transportation system. The data base is to include information on the movement of people and goods by intermodal transportation, patterns of movements by intermodal transportation, and information on public and private investment in intermodal transportation facilities and services.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision except that the Office of Intermodalism is created within the Office of the Secretary. The Director is required to collect, maintain and disseminate intermodal transportation data through the new Bureau of Transportation Statistics.

...

The Office will create a national data base with information on flows of people and goods to and from major metropolitan areas, to indicate the mode of choice and where two or more modes are used. The Office should also maintain policy balance within the Department between transportation modes and work to assure interconnectivity of all transportation modes.

Discussion related to the Bureau's special studies:

DOT Data Needs

(Pages 462-463 of the Report)

House bill

The House bill requires the Secretary to enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

Senate amendment

The Senate amendment requires a similar data needs study but requires the Secretary to consult with the Director of the Bureau of Transportation Statistics in entering into the agreement with the National Academy of Sciences.

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Conference substitute

The Conference substitute is the Senate provision.

Allocation Formula Study (Page 383 of the Report)

House bill

No comparable provision.

Senate amendment

The Senate amendment authorizes a study to be conducted to determine a fair and equitable apportionment formula for the allocation of Federal-aid highway funds.

Conference substitute

The conference substitute contains the allocation formula study.

Level of Effort (Pages 385-386 of the Report)

House bill

No comparable provision.

Senate amendment

Provides additional funding to states who have a lower than average per capita discretionary spending and higher than average gasoline tax.

Conference substitute

Senate recedes to House.

The conference agreement includes a study to measure a state's total level of effort with regard to state highway expenditures. Three months after date of enactment, the Secretary and the newly formed DOT Bureau of Statistics are directed to conduct a study of state level of effort. Not later than nine months, the Secretary is to provide such report to the Senate Environment and Public Works Committee and the House Committee on Public Works.

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The Secretary is directed to use data reflecting state and local revenue support for highways. This data shall include: income fuel taxes, toll revenues including bridge tolls and highway tolls, property taxes used for highways, bonds, administrative fees such as vehicle registration and driver license fees collected that may be expended by a state for highway expenses, taxes on commercial vehicles and other appropriate state and local revenue sources.

There was much discussion on the Senate floor with regard to how best to measure a state's total level of effort. The conferees direct the Secretary to conduct a comprehensive study that will compare a state's total level of effort comparing revenues raised and expended for highway purposes with per capita income.

State Level of Effort (Page 465 of the Report)

House bill

The House bill directs the Secretary to begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

The study shall examine data relating to state and local revenues collected and spent on surface transportation programs, including fuel taxes, toll revenue, sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and other state and local revenue sources.
The Secretary is to report to the Congress within 12~months of enactment with recommendations.

Senate amendment

The Senate amendment is similar to the House provision except that it requires the study to be conducted jointly by the Secretary and the Director of the Bureau of Transportation Statistics. The report is to be submitted to Congress within none months of enactment.

Conference substitute

The conference substitute is the Senate amendment.

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From 49 USC Sec. 329. Transportation information

(Subsection (b)(1) is delegated from the Secretary to the Director of BTS by 49 CFR Sec. 1.71)

(a) The Secretary of Transportation may collect and collate transportation information the Secretary decides will contribute to the improvement of the transportation system of the United States. To the greatest practical extent, the Secretary shall use information available from departments, agencies, and instrumentalities of the United States Government and other sources. To the extent practical, the Secretary shall make available to other Government departments, agencies, and instrumentalities and to the public the information collected under this subsection.

(b) The Secretary shall -

(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under chapter 11 of this title) including, at a minimum, information on (A) the origin and destination of passengers in interstate air transportation (as those terms are used in such Act), (FOOTNOTE 1) and (B) the number of passengers traveling by air between any two points in interstate air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate air transportation and are not used for providing essential air transportation under subchapter II of chapter 417 of this title;

...

(FOOTNOTE 1) So in original. Probably should be "(as that term is used in part A of subtitle VII of this title)".

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From the ICC Termination Act of 1995 (Public Law 104-88, 109 Stat. 803, December 29, 1995)

SEC. 103. MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER PROVISIONS.

Subtitle IV of title 49, United States Code, is further amended by adding at the end the following:

...

``Sec. 14123. Financial reporting

``(a) Reports.--

``(1) Annual reports.--The Secretary shall require Class I and Class II motor carriers to file with the Secretary annual financial and safety reports, the form and substance of which shall be prescribed by the Secretary; except that, at a minimum, such reports shall include balance sheets and income statements.

``(2) Other reports.--The Secretary may require motor carriers, freight forwarders, brokers, lessors, and associations, or classes of them as the Secretary may prescribe, to file quarterly, periodic, or special reports with the Secretary and to respond to surveys concerning their operations.

``(b) Matters To Be Covered.--In determining the matters to be covered by any reports to be filed under subsection (a), the Secretary shall consider--

``(1) safety needs;

``(2) the need to preserve confidential business information and trade secrets and prevent competitive harm;

``(3) private sector, academic, and public use of information in the reports; and

``(4) the public interest.

``(c) Exemptions.--

``(1) From filing.--The Secretary may exempt upon good cause shown any party from the financial reporting requirements of subsection (a). Any request for such exemption must demonstrate, at a minimum, that an exemption is required to avoid competitive harm and preserve confidential business information that is not otherwise publicly available.

``(2) From public release.--

``(A) In general.--The Secretary shall allow, upon request, a filer of a report under subsection (a) that is not a publicly held corporation or that is not subject to financial reporting requirements of the Securities and Exchange Commission, an exemption from the public release of such report.

``(B) Procedure.--After a request under subparagraph (A) and notice and opportunity for comment but no event later than 90 days after the date of such request, the Secretary shall approve such request if the Secretary finds that the exemption requested is necessary to avoid competitive harm and to avoid the disclosure of information that qualifies as a trade secret or privileged or confidential information under section 552(b)(4) of title 5.

``(C) Use of data for internal dot purposes.--If an exemption is granted under this paragraph, nothing shall prevent the Secretary from using data from reports filed under this subsection for internal purposes of the Department of Transportation or including such data in aggregate industry statistics released for publication if such inclusion would not render the filer's data readily identifiable.

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“(D) Pending requests.--The Secretary shall not release publicly the report of a carrier making a request under subparagraph (A) while such request is pending.

“(3) Period of exemptions.--Exemptions granted under this subsection shall be for 3-year periods.

“(d) Streamlining and Simplification.--The Secretary shall streamline and simplify, to the maximum extent practicable, any reporting requirements the Secretary imposes under this section.

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From the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3901, October 19, 1996)

SEC. 1131. TERM OF DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS.

Section 111(b)(4) of title 49, United States Code, is amended by adding at the end the following sentence: “The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.”.

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From the Code of Federal Regulations

49 CFR Sec. 1.2

Definitions.

As used in this part, Administrator includes:

- (a) The Coast Guard Commandant.
- (b) The Federal Aviation Administrator.
- (c) The Federal Highway Administrator.
- (d) The Federal Railroad Administrator.
- (e) The National Highway Traffic Safety Administrator.
- (f) The Urban Mass Transportation Administrator.
- (g) The Administrator of the St. Lawrence Seaway Development Corporation.
- (h) The Research and Special Programs Administrator.
- (i) The Maritime Administrator.
- (j) The Director of the Bureau of Transportation Statistics.

(Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83403, Dec. 18, 1980; Amdt. 1-164, 46 FR 47458, Sept. 28, 1981; Amdt. 1-270, 60 FR 30196, June 8, 1995)

49 CFR Sec. 1.3

Organization of the Department.

- (a) The Secretary of Transportation is the head of the Department.
- (b) The Department is comprised of the Office of the Secretary and the following operating elements, the heads of which report directly to the Secretary:

...

- (10) The Bureau of Transportation Statistics, headed by the Director.

(Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83403, Dec. 18, 1980; Amdt. 1-164, 46 FR 47458, Sept. 28, 1981; Amdt. 1-270, 60 FR 30196, June 8, 1995)

49 CFR Sec. 1.71

Delegations to the Director of the Bureau of Transportation Statistics.

The Director of the Bureau of Transportation Statistics is delegated authority to exercise powers and perform duties under the following statutes:

- (a) Aviation information.

(1) 49 U.S.C. 329(b)(1), relating to collection and dissemination of information on civil aeronautics;

(2) Section 4(a)(7) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443), relating to the reporting of the extension of unsecured credit to political candidates (section 401, Federal Election Campaign Act of 1971; 2 U.S.C. 451), in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs; and

(3) 49 U.S.C. 40113 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 49 U.S.C. 41702 (relating to the duty of carriers to provide safe and adequate service), 49 U.S.C. 41708 and 41709 (relating to the requirement to keep information and the forms in which it is to be kept), and 49 U.S.C. 41701 (relating to establishing just and reasonable classifications of carriers and rules to be followed by each) as appropriate to carry out the responsibilities under this paragraph in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs.

(Amdt. 1-270, 60 FR 30196, June 8, 1995)

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Management Order Establishing the Bureau of Transportation Statistics

1. Mission

As prescribed in Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240 (December 18, 1991), the mission of the Bureau of Transportation Statistics is to compile, analyze, and make accessible information on the Nation's transportation systems; to collect information on intermodal transportation and other areas as needed; and to enhance the quality and effectiveness of the statistical programs of the Department of Transportation (DOT) through research, the development of guidelines, and the promotion of improvements in data acquisition and use.

2. Functions

- a. Compiles, analyzes, and publishes a comprehensive set of domestic and international transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Ensures statistics are suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and supporting international negotiations, and include--but are not limited to--information on:

- (1) productivity in various parts of the transportation sector;

Compiled from various sources. Please refer to official sources to verify accuracy.
These versions may have been subsequently amended.

- (2) traffic flows (including freight and commodity flows for all modes);
 - (3) travel times;
 - (4) vehicle types, weights, and dimensions;
 - (5) variables influencing traveling behavior, including choice of transportation mode;
 - (6) travel costs of intracity commuting and intercity trips;
 - (7) availability of mass transit and the number of passengers served by each mass transit authority;
 - (8) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;
 - (9) accidents;
 - (10) collateral damage to the human and natural environment;
 - (11) the condition of the transportation system and its supporting infrastructure;
 - (12) revenues and expenditures for the transportation system;
 - (13) system and safety performance measures; and
 - (14) transportation system and vehicle construction and manufacturing costs.
- b. Establishes and implements a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system in cooperation with the Office of the Secretary of Transportation, the DOT operating administrations, State and local governments, and other Federal agencies.
 - c. Issues guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph 2a in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.
 - d. Coordinates the collection of information by the Department of Transportation required for statistics to be compiled under paragraph 2a with related information-gathering activities conducted by other Federal departments and agencies and collects appropriate data not elsewhere gathered.
 - e. Makes the statistics compiled by the Bureau readily accessible to Federal, state, local, and other decision makers and the public (subject to applicable laws and regulations).
 - f. Identifies information that is needed under paragraph 2a but which is not being collected, reviewing such needs at least annually and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.
 - g. Prepares a Transportation Statistics Annual Report for transmittal to the President and the Congress.

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- h. Makes use of advancing computer technology/software to integrate information from multiple transportation data systems. Utilizes Geographic Information Systems (GIS) and other media to display transportation information in support of DOT policies and programs.

3. Relationships

- a. The Director of the Bureau of Transportation Statistics reports to, and receives tasking, oversight, and supervision from, the Secretary of Transportation.
- b. The Director of the Bureau of Transportation Statistics works closely with the Secretarial Officers, the Administrators of each operating administration and with the directors of other Federal agencies to obtain information required for paragraph 2a and to improve the quality and effectiveness of transportation data resources.
- c. The Director of the Bureau of Transportation Statistics works closely with the Director of the Office of Intermodalism in administering responsibilities related to developing, maintaining, and disseminating intermodal transportation data.
- d. The Director of the Bureau of Transportation Statistics works closely with the Advisory Council on Transportation Statistics, which is charged by ISTEA with advising the Director as to the quality and objectivity of the Bureau's statistical products.